



[12093/887]

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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MAY 08 2003

**GROUP 3600**

Inventor(s) : Daniel CHARQUET et al.  
Serial No. : 10/089,530  
Filing Date : August 19, 2002  
For : ZIRCONIUM BASED ALLOY AND METHOD FOR  
MAKING A COMPONENT FOR NUCLEAR FUEL  
ASSEMBLY WITH SAME  
Group Art Unit : 3641  
Examiner : Jack W. Keith

Commissioner for Patents  
Washington, D.C. 20231

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KENYON & KENYON

**RESPONSE TO RESTRICTION REQUIREMENT**

SIR:

This paper addresses the Office Action dated April 8, 2003.

**REMARKS**

The Office Action of April 8, 2003 states that the present application  
includes claims directed to the following inventions:

- Group I, claims 8 to 10, drawn to a product (composition of a zirconium alloy)
- Group IIA, claim 11, drawn to a use of a product (cladding tube)
- Group IIIA, claim 12, drawn to a use of a product (flat bar)
- Group IIIB, claim 13, drawn to a process of making a product (nuclear components)
- Group IIB, claim 14, drawn to a process of making a product (tubing)

The Office Action alleges that Groups I, IIA, IIIA, IIB and IIIB do not relate to a single  
general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2,

they lack the same or corresponding special technical features for the following reasons:

Group I and IIA/IIIA, IIB/IIIB are related as subcombination and combination

Group IIA and IIB are related as product and process of making product (tubing)

Group IIIA and IIIB are related as product and process of making a product (flat components)

Group IIB and IIIB are related as combination and subcombination.

The Office Action furthermore submits that upon election of one of Group I, IIA, IIB, IIIA or IIIB, the Applicant is further required to elect a single species for the zirconium based alloy.

In response, Applicants respectfully elect Group I, with traverse. In response to the Examiners further requirements of election of a single species, Applicant respectfully chooses the composition as recited in claim 8 as the single species.

Applicants respectfully submit that unity of invention is established in the claims by the inclusion of an alloy composition which is new and is a common feature for all claims of the application. Through this common feature PCT Rule 13.2 is satisfied. Applicants respectfully request reconsideration and withdrawal of the restriction requirement.

#### **FEES**

The Commissioner is authorized to charge any necessary fees or credit any overpayments under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 11-0600.

**CONCLUSION**

Applicant respectfully submits that the pending claims should be examined as a whole. Prompt consideration of the present application is earnestly solicited.

Respectfully submitted,

Dated: 5/2/03

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